

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Petitions To Postpone Initial Filing Window)
For Two-Way Multipoint Distribution Service)
And Instructional Television Fixed Service)

Report No. DA001256

To: Video Services Division
Mass Media Bureau

COMMENTS OF IPWIRELESS INC.

IPWireless Inc., by its attorneys and pursuant to the above-referenced public notice issued by the Mass Media Bureau ("Bureau") on June 12, 2000, hereby submits these comments on the petitions filed by ITFS2020 and the Association of Federal Communications Consulting Engineers ("AFCCE") seeking a postponement of the initial filing window for two-way ITFS and MMDS applications.

IPWireless Inc. has developed technology for two-way fixed services in the Multichannel Multipoint Distribution Service (MMDS) and Instructional Television Fixed Service (ITFS) bands. Initially, IPWireless will employ this technology on spectrum it has acquired in the Greensboro N.C. market to provide high-speed wireless Internet Services to the public. The company is also working with well-established and currently operating ITFS licensees to assist them in filing in markets totaling more than 20 million population to provide similar services.

The technology developed by IPWireless is deployed in a multi-cell architecture, and is such that transmissions in all Response Service Areas must be aggregated in carrying out the Appendix D interference analysis.

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IPWireless and its ITFS partners wish to deploy networks and offer services as quickly as possible, and are planning to file for two-way licenses in the initial two-way filing window, now scheduled for July 3 – 10, 2000. IPWireless has engaged the necessary consulting engineering resources and has licensed multiple copies of the “CelPlan” software tools. Until the problem described in these comments surfaced late last week, IPWireless was on target to complete the necessary interference analyses and file applications in the July 3-10 window.¹

On Friday June 16, while performing the first of the necessary interference studies to determine compliance with the Commission’s rules, IPWireless’s consulting engineers found a hitherto unknown and fundamental limitation in the CelFCC software. While performing interference analysis, the program stops and displays the error message “maximum number of sites exceeded” indicating that the software is not capable of handling a large multicell system of the type designed by IPWireless.

CelFCC did not have any stated or previously known limit on the number of cells. This issue in CelFCC is a fundamental limitation. As such, it is distinguishable from those minor errors or “bugs” which the software vendors may be able to remedy quickly without jeopardizing the ability of an ITFS or MMDS licensee to file in the July 3 – 10 window.

CelPlan has acknowledged this limitation and is working to revise their software. CelPlan has not yet provided an estimate of when revised software will be available.

¹ CelPlan is a product of CelPlan Wireless Global Technologies. As noted in the AFCCE’s petition, at 3, CelPlan’s “CelFCC” module is one of only two software tools

IPWireless and its consulting engineers will continue to work with CelPlan on the development and testing of revised software.

Although IPWireless has hitherto favored the initial two way filing window occurring as planned on July 3 –10, the above-described fundamental limitation in the CelFCC software module will not allow the company to complete its filings on time. Even if CelPlan Wireless Global Technologies (“CelPlan”) is able to remedy this problem within a matter of days, the ability of IPWireless and its ITFS partners to file within the window would still be in jeopardy. The consulting engineers retained by IPWireless have been executing the interference analysis on a tight timetable since the “final” (and supposedly error-free) version of CelFCC was released on June 2. To allow sufficient time to complete the analysis, the filing window should open no sooner than thirty days after CelPlan rectifies the inherent limitation in its software.

IPWireless does not support a nine-month delay, as requested by ITFS 2020, or a delay of 130 days, as requested by AFCCE. Instead, IPWireless supports a postponement of the initial two-way filing window, but only of sufficient duration to allow CelPlan to rectify the above-described limitation in its CelFCC software and afford prospective applicants thirty days to complete the necessary interference analyses using fully functional CelPlan software.

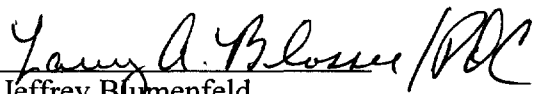
A decision by the Bureau to open the initial two-way window on schedule would skew the process in favor of licensees who plan to deploy systems with a single cell or a small number of cells, to the detriment of companies such as IPWireless who are

available to perform the necessary interference analysis prescribed in the Commission’s rules governing interference to adjacent Protected Service Areas.

planning to deploy the most advanced technologies and a spectrum-efficient multi-cell architecture.

Accordingly, IPWireless submits that the public interest in obtaining broadband Internet access and other advanced services through efficient utilization of MMDS and ITFS spectrum would best be served by the brief delay we recommend.

Respectfully submitted,
IPWIRELESS INC.

By: 
Jeffrey Blumenfeld
Larry A. Blosser
Patrick J. O'Connor
Its Attorneys

Blumenfeld & Cohen –
Technology Law Group
1625 Massachusetts Ave., N.W.
Suite 300
Washington, D.C. 20036
202.955.6300
202.955.6460 facsimile
larry@technologylaw.com

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